

Amendment
Serial No. 10/029,829

Docket No. US010719

REMARKS

The Office Action mailed February 17, 2006 has been reviewed and carefully considered. Independent claim 17 is not amended. Claims 22-24 are added. Claims 1-24 are pending, the independent claims being 1, 9, 17 and 22. Claims 1, 2-5, 6-12, 14 and 21 are amended. Reconsideration of the above-identified application, as amended and in view of the following remarks is respectfully requested.

Claims 1-21 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,847,761 to Uz et al. ("Uz").

Claim 17 recites:

An encoding system, comprising: . . . an encoder . . . ; . . . a management module . . . operable to . . . (b) store said received data blocks in said input buffer; (c) cause to encode a first sequence of said stored data blocks from said input buffer to produce a first encoded data block

Uz fails to disclose or suggest the above-quoted aspect of claim 17.

The Office Action appears to offer little or no commentary specifically directed to claim 17; therefore, we look first at similar terms in claim 1, for which the Office Action offers relatively more commentary.

The last line on page 2 of the Office Action suggests the "input buffer" of the present claim 1 corresponds, in Uz, to the buffer 302. Uz, however, does not seem to have a buffer 302.

We next note that the sentence later on refers to FIG. 8A, which relates to the Video Buffer Verifier (VBV) buffer. Also, there is a step 302 in FIG. 7B, and this step considers the fullness of the VBV buffer (col. 19, line 39).

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It is at least possible, then, that the Office Action regards the UZ VBV buffer to be the "input buffer" of the present claim 17.

Problematically, however, since no blocks are actually stored in the VBV buffer, there is no mechanism for encoding any blocks that are "stored" in a VBV buffer. As to the latter statement, a VBV buffer is a model of the input buffer at the decoder (col. 14, lines 11-12), whereas the present claim 17 relates to an encoder. It would not make sense to encode blocks that are stored in a decoder input buffer; instead, such blocks would be decoded by the decoder. It is accordingly unclear in what sense Uz could properly be characterized as "operable to . . . (b) store said received data blocks in said input buffer; (c) cause to encode a first sequence of said stored data blocks from said input buffer to produce a first encoded data block. . ."

To the instant applicants' best understanding, the above discussion may address the rationale of the Office Action; however, since the Office Action does not seem to specify its position, the instant applicants offer another interpretation of the rationale possibly being used by the Office Action.

Since the VBV buffer fullness, to some extent, mirrors fullness of "the encoder's physical buffer" (col. 14, lines 24-25), perhaps the Office Action sees Uz monitoring of the VBV buffer as amounting to monitoring of "the encoder's physical buffer" (col. 14, lines 24-25).

Problematically again, however, "the encoder's physical buffer" (col. 14, lines 24-25) is the encoder's output buffer, not its input buffer (col. 14, lines 25-27). For at least this reason, Uz fails to meet the claim 17 language as "operable to . . . (b) store

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said received data blocks in said input buffer; (c) cause to encode a first sequence of said stored data blocks from said input buffer to produce a first encoded data block. . ."

According to the above discussion, Uz fails to anticipate the present invention as recited in claim 17.

Reconsideration and withdrawal of the rejection is respectfully requested.

U.S. Patent Publication No. 2001/0008544 to Ishiyama, a reference formerly applied in rejecting the instant claims, likewise relates to an input buffer of a decoder, rather than an input buffer of an encoder.

U.S. Patent No. 5,426,463 to Reininger et al. ("Reininger"), also previously applied in rejecting the instant claims, does not seem to discuss fullness of an encoder input buffer.

Due to the different design considerations pertaining to an encoder input buffer, as opposed to a decoder input buffer, it would not have been obvious to modify any of the prior art of record to resemble the present invention as recited in claim 17.

Claim 1 likewise recites, ". . . storing said received data blocks in an input buffer; encoding a first sequence of said stored data blocks from said input buffer to produce a first encoded data block. . ."

Claim 1 is amended for greater breadth.

Uz fails to disclose or suggest the above-quoted aspect of claim 1, at least since Uz fails to disclose or suggest an input buffer of an encoder.

For at least this reason, claim 1 is not anticipated by Uz.

Reconsideration and withdrawal of the rejection is respectfully requested.

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Claim 9 recites, "... retrieving a first sequence of said stored data blocks from said input buffer; encoding the first sequence of said stored data blocks from said input buffer to produce a first encoded data block. . ."

Claim 9 is likewise amended for breadth, and for a correction that finds support in FIG. 4, ref. no. 140, and accompanying text in the specification.

Claim 9 is deemed to distinguish patentably over the prior art of record for at least the same reasons set forth above with regard to the other pre-existing independent claims.

Reconsideration and withdrawal of the rejection is respectfully requested.

New claim 22 finds support in the specification, at least at [0025].

New claim 22 recites:

storing the received data blocks in an input buffer having a fullness level; retrieving, from said input buffer, at least one block from among the stored data blocks; encoding, by said encoder, the retrieved at least one block to produce a first encoded data block

For at least the reasons set forth above with regard to the other independent claims, claim 22 likewise is patentable over the prior art of record.

New claim 23 finds support at least in original claim 17.

New claim 24 finds support at least in [0018] of the specification.

A check for \$300.00 (= \$200.00 + 2 x \$50.00) is enclosed in payment of the fee for adding one independent claim in excess of three total, and for adding two further claims in excess of twenty total.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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